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to furnish the goods as ordered. An almost identical contract was upheld in *Gile* v. *Inter-State Motor Car Co.*, 27 N. D. 108, only on the ground that it had been adhered to by both parties during its stipulated term, and had therefore become enforcible as a unilateral contract, whether or not it had been enforcible in its inception. See 12 MICH. L. REV. 667. The necessary promise was implied in *Chi. R. I. & G. Ry.*, v. *Martin*, (Tex.), 163 S. W. 313, discussed in 12 MICH L. REV. 694.

CRIMINAL LAW—ESPIONAGE ACT—RED CROSS AND Y. M. C. A. AS PART OF "MILITARY OR NAVAL FORCES."—The Espionage Act (40 Stat. 219, C. 30) provides that "whoever, when the United States is at war, (1) shall wilfully make or convey false reports or false statements with intent to interfere with the operation or success of its enemies," etc., shall be guilty of an offense. Defendant was indicted for having said to numerous people while a "drive" was on to raise funds for the war work of the Red Cross and Y. M. C. A., "I am through contributing to your private grafts. There is too much graft in these subscriptions. No; I do not believe in the work of the Y. M. C. A. or the Red Cross, for I think they are nothing but a bunch of grafters. No, sir, I can prove it. I won't give you a cent. The Y. M. C. A., the Y. W. C. A., and the Red Cross is a bunch of grafters. Not over 10 or 15 per cent of the money collected goes to the soldiers or is used for the purpose for which it is collected. Who is the government? Who is running this war? A bunch of capitalists composed of the steel trust and munitions makers." On motion to squash, *held* that the indictment stated an offense under the Act. *United States* v. *Nagler*, (D. C. W. D. Wis., 1918), 252 Fed. 217.

It is not by any means every utterance, however disloyal the speaker may thereby be indicated to be, that is covered by the Espionage Act, the Act covers only utterances affecting the military or naval forces. *United States* v. *Schutte*, 252 Fed. 212. A strict application of the general rule that criminal statutes are to be strictly construed might conceivably lead to a conclusion opposite to the one reached in the principal case. The court felt warranted in upholding the indictment because of the relationship of the Red Cross and Y. M. C. A. organizations with the forces in the field, created and recognized by the President and the constituted authorities. The fact that the Red Cross is recognized by international treaties and its members are by the Treaty of Geneva of August 12, 1864, to be treated as neutrals when captured were deemed not to interfere with treating the organization as part of the military and naval forces of the United States. No doubt it will be a source of great satisfaction to most people that the circulation of such vicious lies as were repeated by the defendant in the principal case can be reached by criminal proceedings.

CRIMINAL LAW—POWER OF PROSECUTING ATTORNEY TO ENTER A NOLLE PROSEQUI.—Respondent was judge of the Municipal Court of Chicago, and had about 400 cases for violation of the Sunday liquor law pending in his court, when the relator, the State's attorney of Cook County, proposed to enter a *nolle prosequi* in every one of the cases. The judge refused to allow this to be done, and the instant case was selected as a test case, the State's attorney

filing a *nolle prosequi* and the judge refusing to enter it. Petition for mandamus commanding Judge Newcomer to enter of record this *nolle prosequi* was denied, on the ground that the power of the State's attorney to enter *nolle prosequi* was not absolute, but was subject to the consent of the court. *People ex rel Hoyne* v. *Newcomer,* (Ill. 1918), 120 N. E. 244.

At common law, in England, the power to enter a *nolle prosequi* was lodged exclusively in the attorney general, *Regina* v. *Dunn,* 1 Car. & Kir. 730, and it was absolute, *Queen* v. *Allen,* 1 B. & S. 850. In the United States the prevailing rule is that the prosecuting officer has the same power in this regard at the attorney general in England. *Lizotte* v. *Dloska,* 200 Mass. 327; *People* v. *District Court,* 23 Colo. 466; 16 Cor. Jur. 434. But there are a few cases which support the rule of the principal case. *Denham* v. *Robinson,* 72 W. Va. 243, Ann. Cos. 1915 D, 997; *State* v. *Moody,* 69 N. C. 529. In others it is held that the court is necessary for a *nolle prosequi* after the trial commences to the jury, *State* v. *Roe,* 12 Vt. 93; *State* v. *Hickling,* 45 N. J. L. 152. In some states the consent of the court is expressly required by statute, *Statham* v. *State,* 41 Ga. 507; *People* v. *McLeod,* 1 Hill (N. Y.), 377, 405.

EMINENT DOMAIN—CONDEMATION FOR CANTONMENT.—In proceedings by the Government to acquire for temporary use land for construction of a military camp it was held that the owner was entitled to rental value based on the value of the land without improvements, and to compensation for improvements which will necessarily be destroyed, and in addition the Government should obligate itself to return the land in as good condition as when taken, or to make compensation for future injuries due to the military use. *In re Condemnation of Lands for Military Camps,* 250 Fed. 314.

Many delicate questions have arisen from the construction of our cantonments. Under the Act of July 2, 1917, C. 35, 40 Stat. 241, the Secretary of War was authorized to institute proceedings in court to condemn temporary use of land, or other interest therein, in the meantime taking immediate possession thereof. Under this power farmers, in some cases at least, were paid a flat rental of $5 per acre for their farms, with no assurance of any allowance for permanent injuries from the cutting of trees or impairment of the land by reason of the packing of the soil. Claims against the Government are very uncertain and expensive luxuries in many cases. Some Civil War claims are still before the Court of Claims and some despairing of the judicial route, or not being willing to submit to judicial investigation, are constantly before Congress. The rule of damages laid down in this case is fair, but the fairest provision is that the court will keep jurisdiction of the case till future damages can be assessed. This is an especially equitable disposal of the case, and saves the land owner from the doubtful remedy of a suit against the Government.

LIBEL—PUBLICATION—DICTATION TO TYPIST.—W, a solicitor, in dictating to his typist a bill of costs, to be sent to his client, as a matter of office routine, inserted in the bill, without malice, information which was defamatory to plaintiff, though relevant and reasonably necessary to enable the client